

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

V.

CASE NO. 12-2039 (GAG)

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

INITIAL SCHEDULING ORDER: MAYAGÜEZ PUBLIC HEARING

The Fourth Public Hearing and status conference in the captioned case is set for 9:00 a.m. on Thursday, September 1st, 2016, and Friday, September 2nd, 2016, at the Commonwealth Court of First Instance in Mayag  ez, Puerto Rico. The undersigned district judge will oversee the proceedings. The Court will first meet in camera at 8:30 a.m. with the Technical Compliance Advisor (“TCA”) and his team, including his legal and constitutional advisors, as well as counsel for the United States and Commonwealth of Puerto Rico. The purpose of this and all forthcoming public hearings is to continue to inform the Court and the public of the progress on the work being conducted in implementing the Police Reform thus far, as well as to hear in an open judicial forum all upcoming plans and ensuing steps that are required to be taken to guarantee that the reform of the Puerto Rico Police Department (“PRPD”) is proceeding as per the Agreement for the Sustainable Reform of the Puerto Rico Police Department (“Agreement”).

The Court is committed to transparency and seeks to ensure that the structural police reform lives up to its potential, meeting its goal of holistic and sustainable reform, while guaranteeing and

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1 encouraging public access to important information concerning all local communities throughout
2 this important process.

3 The Court hereby issues the following directives. First, the Court shall address the
4 deponents and entertain their respective testimonies in Spanish. Nonetheless, in order to comply
5 with the English language requirement for Federal Court proceedings (see 48 U.S.C. § 864) all
6 communications by the parties and scheduled speakers must be conducted in English, while a
7 certified court interpreter conducts simultaneous translation at all times; therefore, the complete
8 historical record of the two days of proceedings will be entirely in English.

9 Second, since this hearing will be open to the general public, the attendance of the
10 general public, students, interested parties and members of the community is encouraged.
11 However, due to the Courtroom's limited seating capacity, **those who wish to attend must**
12 **confirm their assistance by contacting the office of Mr. Alfredo Castellanos Bayouth, Esq.,**
13 **Constitutional and Legal Advisor to the Technical Compliance Advisor, at (787) 641-8447.**
14 Any group that may require special assistance should also contact Mr. Castellanos Bayouth, Esq.

15 **THE COURT REQUESTS THAT THE GENERAL PUBLIC ARRIVE AN HOUR PRIOR**
16 **TO THE BEGINNING OF THE HEARING SO THAT AN ORDERLY SECURITY**
17 **PROCESS CAN ASSIST THE COURT IN COMMENCING AT THE SCHEDULED**
18 **TIME.** The Court further informs that dining facilities are available at the Courthouse in
19 Mayagüez and that special parking facilities with coordinated security and traffic measures have
20 been obtained to accommodate all visitors and deponents.

21 The Court will issue a more detailed scheduling order promptly. Nonetheless, the hearing
22 shall be held on Thursday, September 1st, 2016, and on Friday, September 2nd, 2016, from 9:00
23 a.m. to 5:00 p.m. The parties will commence the proceedings with a brief opening statement. As

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1 representatives of the Commonwealth of Puerto Rico, the Court welcomes the participation of:
2 the Governor's Personal Representative, Mrs. Maritere Rivera Corujo, Esq.; the Secretary of
3 Justice, the Honorable César Miranda Rodríguez; the Executive Director of the Puerto Rico
4 Tourism Company, Mrs. Ingrid Rivera Rocafort; and, the Deputy Mayor of Mayagüez, Mr.
5 Heriberto Acevedo Ruiz. The Court also expects the Puerto Rico Police Superintendent, José
6 Caldero López to have an active participation during the course of the hearing.

7 After the parties' introductory remarks, the Court will address those present with a
8 statement and the remainder of the scheduled hearing proceedings will follow. The Court expects
9 the participation of: the Executive Director of the Puerto Rico Police Department Reform, Lt.
10 Col. Clementina Vega Rosario; the Police Commander for the Mayagüez area, Lt. Col. Miguel
11 Rosado Carrero; Education and Training Auxiliary Superintendent, Dr. Michelle Hernández de
12 Fraley; Camp Operations Auxiliary Superintendent, Col. Orlando Meléndez Serrano;
13 Professional Responsibility Auxiliary Superintendent, Col. Francisco Rodríguez Ortiz; Special
14 Investigations on Force Use Unit Director, Lt. Jaime Cosme Oliveras; Drugs and Narcotics
15 Department Director, Col. Lt. Jose Juan García; and, Canine Unit Director, Lt. II Alberto Rivera
16 Ortiz.

17 In addition to the officials previously mentioned, the Court has confirmed the
18 participation of Mrs. Vilma Pérez Portalatín, President of Youth with Down Syndrome,
19 Aguadilla Chapter; and on behalf of the Criminal Investigation Corps (CIC), Mr. Dennis
20 Villanueva Díaz, who is also a member of the LGBTT Community; and Mr. Walter Santiago
21 Rodríguez, in representation of the Religious Community. Furthermore, the Court anticipates the
22 participation of the mayors of the main townships in the western part of Puerto Rico, where the
23 present Public Hearing is to be held, as representatives of their respective communities. The

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1 Court also expects the participation of representatives of ACLU (American Civil Liberties
2 Union) and GRUCORPO (Grupo Comunitario de Trabajo de la Reforma de la Policía).

3 Third, the Court wishes to remind the parties and the participants that the present Public
4 Hearing and its proceedings are not adversarial in nature. Therefore, genuine collaboration and
5 mutual assistance between the parties is expected throughout the celebration of the hearing. Each
6 day, prior to the mid day lunch recess, and then again prior to the conclusion of the Public
7 Hearing, the TCA and the parties will be provided with a brief opportunity to address any
8 relevant matters they may deem necessary in relation to issues brought to the attention of the
9 Court, thus creating a more dynamic and inclusive dialogue between the parties, the TCA and the
10 People of Puerto Rico.

11 Due to the volume of participants and the nature of the issues to be addressed, the Court
12 intends on adhering rigorously to the scheduled itinerary, and exhorts all panelists to focus their
13 testimonies to the matters regarded in the Agreement. With the purpose of increasing the
14 involvement of the community in the process of the Reform, any additional comments, concerns
15 and/or suggestions that the speakers may not be allowed to express due to time constraints, may
16 be submitted in written form to the attention of the Office of the TCA, by sending an email to
17 Mr. Alfredo Castellanos Bayouth, Esq., at: alfredo@cglawpr.com.

18 Finally, the purpose of the celebration of the Public Hearings in the present case is to
19 involve the public with the reform process, in order to transform the PRPD into a law
20 enforcement entity that effectively serves the Community and stands by the Constitutional rights
21 of the People of Puerto Rico. The Court informs the participants that during the course of the
22 hearing it will not accept any testimonies related to any matter that may be currently under
23 investigation by the United States Department of Justice and/or local authorities. The Court

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1 instructs the TCA and Mr. Alfredo Castellanos Bayouth, Esq., to deliver a copy of the present
2 order to all scheduled panelists, the Clerk's Office for the United States District Court for the
3 District of Puerto Rico, the U.S. Marshal, and any other individual that they may deem necessary
4 for purposes of the Mayagüez Hearing. The Court alerts the parties, that if needed, it will order
5 the participation of any other person that is deemed necessary for purposes of answering relevant
6 questions that may arise during the course of the Public Hearing.

7

8 **SO ORDERED.**

9 In San Juan, Puerto Rico this 19th day of July, 2016.

10 *s/Gustavo A. Gelpí*
11 GUSTAVO A. GELPI
United States District Judge